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Serial No.: 10/614,322  
Attorney Docket No.: 10016217-1

JAN 03 2007

REMARKS

In response to the Office Action dated October 4, 2006, claims 12 and 20 have been canceled and claims 1, 9 and 15 have been amended. Thus, claims 1-11 and 13-19 are in the case. Reexamination and reconsideration, as amended, are requested.

Record is made of a telephonic interview with Examiner Nelson Hernandez on January 3, 2007 regarding the claims and the cited references. During the telephonic interview, the Applicants' attorney proposed amendments to the claims to overcome the rejections. The above amendments reflect the proposals made by the Applicant during the interview.

The Office Action objected to claim 9 due to minor informalities.

In response, the Applicants have amended claim 9 as suggested by the Examiner to overcome this objection.

The Office Action rejected claims 1-6, 15 and 16 under 35 U.S.C. § 102(e) as being anticipated by Takahashi (U.S. Patent Publication No. 2004/0004671 A1). The Office Action rejected claims 7, 8, 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Sundahl et al. (U.S. Patent No. 6,094,215). The Office Action rejected claims 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Anderson (U.S. Patent No. 6,563,535). The Office Action rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Anderson and further in view of Pilu (U.S. Patent Publication No. 2001/0019664). The Office Action rejected claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Anderson and further in view of Sundahl. The Office Action rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Pilu. The Office Action rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Takahashi in view of Sundahl and further in view of McCall et al. (U.S. Patent No. 6,494,093 B2).

The Applicants respectfully traverse these rejections based on the amendments to the claims and the arguments below.

Specifically, the independent claims now include features that are not disclosed in combination or alone by the cited references. For example, the Applicants' claims

now include presenting on a display one of an image from memory and an image currently captured by the image capture device if the angle of pitch orientation is within the predetermined angle range, ceasing to present on the display in response to the signal indicative of the pitch angle in response to input received from user input control and indicating a distance between electrostatic plates of the image capture device when an inertial element causes a cantilever to deform.

In contrast, Takahashi merely disclose when a camera is mounted on a cradle, it is supported as being swayable so that when the digital camera is tilted forward, a front switch is turned on, and a command to change into a storage mode is issued from a switch determination circuit to the digital camera (see Abstract of Takahashi). Next, Sundahl et al. simply disclose determining relative camera orientation position to create 3-D visual images, while Anderson merely discloses image processing with a display and Pilu simply discloses a camera projected viewfinder. Although McCall et al. attempt to measure motion suitable for MEMs, McCall et al. measure motion with signal digitizing, temperature control, sensor errors and misalignment calibrations, attitude updating, and damping control loops for a moving vehicle (see Abstract and Field of the Invention of McCall et al.). This is very different and unlike the Applicants' claimed invention which is for an image capture device that includes indicating a distance between electrostatic plates of the image capture device when an inertial element causes a cantilever to deform.

Clearly, in light of the amendments to these claims, the cited references, alone or in combination, do not disclose all of the features of the claims. Therefore, the rejections of the claims under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) should be withdrawn (MPEP 2143).

Further, with regard to the dependent claims, since they depend from the above-argued respective independent claims, they are therefore patentable on the same basis. (MPEP § 2143.03). Also, the other references cited by the Examiner also have been considered by the Applicants in requesting allowance of the dependant claims and none have been found to teach or suggest the Applicants' claimed invention.

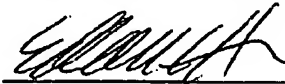
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Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly request the Examiner to telephone the Applicants' attorney at (818) 885-1575.

Please note that all mail correspondence should continue to be directed to:

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Respectfully submitted,  
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